THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17616 of 2005

Dated: 18th August, 2005.

Between:

Seshadri

..... PETITIONER

AND

1. The Joint Collector (R.O.R.),

Mahaboobnagar and three others

.....RESPONDENTS

ORDER:

This writ petition is filed seeking to declare the proceedings in Case No.D1/19/04, dated 23-07-2005 of the first respondent-Joint Collector, Mahaboobnagar, as being arbitrary, illegal, unconstitutional, apart from being in gross violation of principles of natural justice and also contrary to the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Rules made thereunder and consequently, to set aside the same.

2. The grievance of the petitioner is that he is the owner of the land to a total extent of Ac.7-38 guntas situated in Survey No.4 of Makthal village and Mandal, Mahaboobnagar District. The fourth

respondent has made a representation to the Revenue authorities for recording his name in the Revenue records as Pattadar/owner to an extent of Ac.5-30 cents stating that he has purchased the said land through a registered sale deed and the Revenue authorities have recorded the name of the fourth respondent in the Revenue records under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') and issued pattadar pass book and title deeds. Aggrieved by the same, the petitioner has preferred a statutory revision before the first respondent-Joint Collector under Section 9 of the Act. The Revisional authority, by order dated 10-02-2005, directed the second respondent-Mandal Revenue Officer, Makthal Mandal, to seize the pattadar passbook and title deed of the fourth respondent pertaining to the land in Survey No.4. The fourth respondent has questioned the said proceedings of the first respondent-Joint Collector (R.O.R.), Mahaboobnagar, dated 10-02-2005, in Writ Petition No.6619 of 2005 and this Court has suspended the said proceedings vide order dated 29-04-2005 in W.P.M.P.No.8826 of 2005 and the said writ petition is still pending. It is submitted that the Joint Collector by proceedings dated 26-02-2005 has granted an order in the revision filed by the petitioner directing the Sub Registrar, Makthal, not to register the properties in the name of third parties in respect of Survey No.4 situated at Makthal Village and Mandal till disposal of the revision petition. The orders of the Joint Collector dated 26-02-2005 are not the subject matter of Writ Petition No.6619 of 2005 and therefore, the orders that were passed in W.P.M.P.No.8826 of 2005 does not have any effect on the orders of the Joint Collector, dated 26-02-2005. The Joint Collector, in view of the orders of this Court passed in W.P.M.P. No.8826 of 2005, dated 29-03-2005, without issuing any notice and opportunity to the petitioner, has withdrawn the orders dated 26-02-2005 resulting in grave injustice to him. Hence, it is prayed to set aside the orders in Case No.D1/19/04, dated 23-07-2005 of the first respondent-Joint Collector.

3. Heard the learned Counsel for the petitioner, the learned Government Pleader for Revenue appearing on behalf of respondents 1 to 3 and the learned Counsel for the fourth respondent.

4. *Prima facie*, after going through the order passed by the first respondent-Joint Collector, dated 23-07-2005, which is impugned in this writ petition, this Court is satisfied that the said order is passed *ex parte* without observing the principles of natural justice by way of giving opportunity to the petitioner in whose favour the order is passed and vacated at the instance of the fourth respondent, more so after citing the interim orders passed by this Court in W.P.M.P.No.8826 of 2005 in Writ Petition No.6619 of 2005, dated 29-03-2005, where there is no indication to vacate the interim orders passed by the first respondent-Joint Collector.

5. Considering the facts and circumstances of the case and without going into the merits of the case, the writ petition is allowed at the stage of admission and the impugned order in Case No.D1/19/04, dated 23-07-2005, of the first respondent-Joint Collector (R.O.R.), Mahaboobnagar, is set aside. No order as to costs.

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ELIPE DHARMA RAO, J

18th August, 2005.

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